

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46675 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- LAURIA District- West Champaran

1. KAMLESH SAH @ KAMLOSH SAHA SON OF LATE SHANKAR SAH
RESIDENT OF VILLAGE- DUMARA WARD NO 2, PS- LAURIYA,
DISTRICT- WEST CHAMPARAN
2. SHOBHA DEVI WIFE OF SRI KAMLESH SAH RESIDENT OF
VILLAGE- DUMARA WARD NO 2, PS- LAURIYA, DISTRICT- WEST
CHAMPARAN
3. CHANDAN KUMAR SON OF SRI KAMLESH SAH RESIDENT OF
VILLAGE- DUMARA WARD NO 2, PS- LAURIYA, DISTRICT- WEST
CHAMPARAN
4. LALMUNI DEVI WIFE OF SRI PARMESH SAH RESIDENT OF
VILLAGE- DUMARA WARD NO 2, PS- LAURIYA, DISTRICT- WEST
CHAMPARAN
5. NIRAJ KUMAR SON OF SRI PARMESH SAH RESIDENT OF
VILLAGE- DUMARA WARD NO 2, PS- LAURIYA, DISTRICT- WEST
CHAMPARAN
6. MANSHA DEVI WIFE OF SRI BHUTTI SAH, RESIDENT OF
VILLAGE- DUMARA WARD NO 2, PS- LAURIYA, DISTRICT- WEST
CHAMPARAN
7. GUDIYA DEVI @ GUDIYA KUMARI, @ GUDDI KUMARI, WIFE OF
SRI CHHOTAN SAH, RESIDENT OF VILLAGE- DUMARA WARD NO
2, PS- LAURIYA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2023 Heard Mrs. Rashmi Jha, learned counsel for the

petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection



with Lauriya P.S. Case No. 313 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 325, 379 and 354B of the Indian Penal Code.

3. Allegedly, all the FIR named accused persons variously armed started assaulting the informant on account of previous dispute. It is specifically alleged that co-accused Pratap Sah assaulted over the head of the informant by means of *farsa* whereas co-accused Bhutti Sah and Chhotan Sah assaulted the informant by means of iron rod and lathi, respectively, due to which, she sustained serious injuries. It is further alleged that all the accused persons including the petitioners assaulted the informant, her husband and son and snatched her valuables.

4. Learned counsel for the petitioners submits that there is omnibus allegation against all the petitioners and so far specific allegation is concerned, the same is levelled against Pratap Sah, Bhutti Sah and Chhotan Sah, who are not the petitioners before this Court. She further submits that there is a counter version of the present case being Lauriya P.S. Case No. 352 of 2022 lodged by petitioner no.3 Chandan Kumar. She next submits that both the parties are immediate neighbours and on account of a quarrel amongst the children of the parties, the members of both the families entered into scuffle, which



resulted into injuries to the persons of both the sides. She next submits that out of seven petitioners, four are female members of the family and this also shows the false implication of the entire family. That apart the petitioners are persons of fair antecedent and they undertake that they will not indulge in such type of activities in future.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioners are also present at the place of occurrence and they have also assaulted the informant and her family members.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against the petitioners, apart from the case and counter case between the parties, coupled with the fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 313 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.,



with further condition that one of the bailors shall be the
own/close family members of the petitioners.

(Harish Kumar, J)

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